

GENERAL PROVISIONS

§ 153.001 ENACTMENT CLAUSE.

The Town Commissioners, under the authority granted to the Board by G.S. 160A, Article 19, adopts and enacts the following sections into law.

('72 Code, § 24-1001) (Ord. 477, passed 2-8-88)

§ 153.002 SHORT TITLE.

These regulations shall be known and may be cited as the Zoning Ordinance of the town.

('72 Code, § 24-1002) (Ord. 477, passed 2-8-88)

§ 153.003 PURPOSE.

The General Assembly has authorized the adoption of zoning ordinances to accomplish a number of public purposes. These regulations contained in this chapter are designed to carry out these purposes which are listed in this section.

(A) These zoning regulations have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public facilities and services.

(B) The zoning districts and maps have been made with due consideration of future growth, development, and change in land development, according to objectives expressed in the general plan for the development of the community, as well as with due consideration of existing development and uses of land in the town.

(C) These regulations and districts represent reasonable consideration as to the character of the districts and their peculiar suitability for particular uses of land and have been made with a view to preserving the existing environment and/or assuring the development of a future environment that realizes the greatest possible use and enjoyment of land on individual properties. This is balanced against the necessary protection of the values of buildings and land and the use and enjoyment of land on adjacent properties and with the objective of promoting and protecting the public welfare through the regulation of land use and the process of land development.

('72 Code, § 24-1003) (Ord. 477, passed 2-8-88)

§ 153.004 JURISDICTION.

These regulations shall govern the development and use of land and structures in the town.

('72 Code, § 24-1004) (Ord. 477, passed 2-8-88)

§ 153.005 INTERPRETATION AND APPLICATION OF REGULATIONS.

In the interpretation and application of this chapter, the provisions of this chapter will be construed to be the minimum requirements adopted to promote the public convenience, health, safety, comfort, and general welfare.

('72 Code, § 24-1015) (Ord. 477, passed 2-8-88)

§ 153.006 CONFLICTING PROVISIONS.

It is not intended that this chapter will in any way repeal, annul, or interfere with the existing provisions of any other law or ordinance except the zoning ordinance which this chapter replaces. In addition, it is not intended that this chapter will in any way repeal, annul, or interfere with any rules, regulations, or permits which were legally adopted or issued under previous ordinances for the use or development of land or structures. Finally, it is not intended that this chapter will interfere with any easements, covenants, or other agreements between parties. However, if the provisions of this chapter impose greater restrictions or higher standards for the use of a building or land or for yards or size of structures than called for by other ordinances, permits, easements, or agreements, the provisions of this chapter will take precedence over the others and will control the use or development.

('72 Code, § 24-1016) (Ord. 477, passed 2-8-88)

§ 153.007 DEFINITIONS.

(A) Rules of construction. This ordinance has been written so that the average citizen may use and understand its provisions. Efforts have been made to avoid the overuse of technical language where the meaning could be conveyed in another form. For the purposes of this ordinance, the following rules of construction and interpretation apply.

(B) Words used in the present tense include the future tense.

(C) Words used in the singular number include the plural number and the plural number includes the singular number unless the context of the particular usage clearly indicates otherwise.

(D) The words "shall", "must", and "will" are mandatory in nature implying an obligation or duty to comply with the particular provision.

(E) The word "may" is permissive in nature, except when the context of the particular use is negative, then it is mandatory.

ACCESSORY APARTMENTS. A separate dwelling unit that is located on the same lot as the principal dwelling unit in a single family district, for use as a complete, independent living facility, with a separate parking area, cooking facility, and entrance than the principal dwelling unit.
(Ord. No. 1532, passed 1-8-07)

ACCESSORY BUILDING or STRUCTURE. A detached, subordinate structure, the use of which is clearly incidental and related to that of the principal structure or use of land, and which is located on the same lot as that of the principal structure or use.

ACCESSORY USE. A subordinate use, clearly incidental and related to the principal structure, building, or use of land and located on the same lot as that of the principal structure, building, or use.

ADULT CARE HOME. A facility operated as a part of a nursing home and which provides residential care for aged or disabled persons whose principal need is a home with the shelter or personal care their age or disability requires. Medical care in an adult care home is usually occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. These homes vary in size from family care homes of 2 to 6 residents to adult care homes of more than 100 residents.
(Ord. No. 1532, passed 1-8-07)

ADULT DAY CARE CENTER. An adult day care center shall meet the definition and standards for an adult day care center, adult day health, or combination program as outlined by the NC Department of Human Resources, and as may be amended by the NCDHR from time to time. (Ord. No. 1035; passed 1-11-99)

ARTERIAL STREET. A multi-lane major roadway connecting freeways or expressways, or other arterial roads with lesser streets in the network and is designed to accommodate large volumes of traffic at moderate speeds. There are several categories of arterial streets: limited access arterial streets, which have access points only at cross streets rather than individual driveways; major arterial streets, which may also connect regions, but are not intended to provide primary access to trip generating uses; commercial arterial streets, whose function, in part, is to provide direct access to nonresidential high trip generating land uses; and minor arterial streets, which, built on a smaller scale than other types of arterial streets, usually only handle trips for short to

moderate distances.

ASSISTED LIVING. A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.
(Ord. No. 1532, passed 1-8-07)

BED AND BREAKFAST ESTABLISHMENT. A Bed and Breakfast establishment is an overnight lodging business located within a structure originally designed and built as a single-family residence. Overnight guest facilities are limited in number, and maximum stay by guests is restricted to seven consecutive days. The breakfast meal is provided to overnight guests only at no additional cost. Bed and Breakfast establishments are further divided into Bed and Breakfast Guest Homes and Bed and Breakfast Inns. A Bed and Breakfast Guest Home is an owner-occupied single-family residential structure with accommodations for up to six guest sleeping rooms. A Bed and Breakfast Inn has accommodations for up to 23 persons in no more than 12 guest sleeping rooms.

BUILDING. A structure having a roof supported by columns or walls, for the shelter, housing, or enclosure of persons, animals, or goods.

BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished lot grade at the front building line to the highest point of the roof beams adjacent to the front of the wall in the case of a flat roof, to the average height of the gables in the case of a pitched roof and to the deck line in the case of a mansard roof.

BUILDING LINES. Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

CHILD DAY CARE. Any child care arrangement wherein three or more children less than 13 years old receive care away from their own home by persons other than their parents, grandparents, aunts, uncles, brothers, sisters, first cousins, guardians or full-time custodians, or in the child's own home where other unrelated children are in care. **CHILD DAY CARE** does not include seasonal recreational programs operated for less than four consecutive months in a year. **CHILD DAY CARE** also does not include arrangements that provide only drop-in or short-term child care for parents participating in activities that are not employment-related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care offered in health spas, bowling alleys, shopping malls, resort hotels, and churches.

CHILD DAY CARE FACILITY. Includes any child day care center care arrangement (except child day care home) which provides day care for more than five children, not including the operator's own school-aged children, under the age of 13 years, on a regular basis of at least once per week for more than four hours but less than 24 hours per day, regardless of the time of day and regardless of whether the same or different children attend.

CHILD DAY CARE HOME. Any day care program or child care arrangement in an occupied dwelling which provides day care on a regular basis of at least once a week for more than four hours per day for more than two children under 13 years of age, but not to exceed a maximum of eight children at any one time. All children in the dwelling shall be counted except the operator's own school-aged children who reside at the location of the day care home. Of the children present at any one time, no more than five children shall be preschool aged.

CLAIRVOYANT ENTERTAINMENT BUSINESSES. A business primarily engaged in providing personal services including, but not limited to, the practice of reading a person's character or future by offering advice, predictions, or interpretations by studying the conformation of the physical structure of the body, birth date, stars, planets, or by similar means. (Ord. No. 1524, passed 12-11-06)

CLUSTER DEVELOPMENT. A tract of land at least ten acres in area, under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved preliminary site plan.

COLLECTOR STREET. A roadway which assembles traffic from local streets, and distributes it to the nearest arterial street, provides direct primary access to low/medium density land uses, and is designed to carry low to moderate traffic volumes at low to moderate speeds.

COMMON OPEN SPACE. A parcel or parcels of land or an area of water or a combination of both land and water within the site designated for development and designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas.

COMMON OPEN SPACE shall be substantially free of structures but may contain those improvements as are in the plan as finally approved and are appropriate for the benefit of residents of the development.

COMMUNICATIONS ANTENNA. Any structure or device used to collect or radiate electromagnetic waves, including directional antennas - such as panels, microwave dishes, and satellite dishes - and omni-directional antennas - such as whips - but not including satellite earth stations. Where a set or group of devices work as a single unit, such

as three panels facing different directions for 360 degree coverage, then that group shall be considered as a single antenna.

COMMUNICATIONS TOWER. A tower greater than 35 feet in height and which does not exceed 400 feet in height (including antenna) which is principally intended to support communication (transmission or receiving) equipment. The term communication tower shall not include amateur radio operator's equipment, as licensed by the Federal Communications Commission (FCC). Design examples of communication towers are described as follows: (a) self-supporting lattice; (b) guyed; and (c) monopole. (Ord. 912, passed 1-27-97; Ord. 919, passed 4-28-97)

COMMUNICATIONS TOWER HEIGHT OR COMMUNICATIONS ANTENNA HEIGHT. Overall height, not to exceed 400 feet, shall include antenna, base pad, tower or other supporting structure, and other appurtenances and shall be measured from the average finished grade of the parcel directly under tower, or at finished grade of the parcel at front of other supporting structure when not a tower. (Ord. No. 912, passed 1-27-97; Ord. No. 919, passed 4-28-97)

CONTINUING CARE RETIREMENT COMMUNITY. A residential community including a range of living units from independent units to assisted care units to skilled nursing care facilities along with a variety of common amenities and ancillary services. (Ord. No. 1550, passed 3-12-07)

CONDOMINIUM. The ownership of single units in a multi-unit structure with common areas and facilities.

CONDOMINIUM UNIT. An enclosed space consisting of one or more rooms occupying all or part of a floor in a building, or one or more floors or stories, regardless of whether it be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use. It shall include those accessory spaces and areas as may be described in the declaration, such as garage space, storage space, balcony, terrace, or patio; provided it has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare.

CUSTOMARY HOME OCCUPATION. An occupation, service, profession, or enterprise carried on by a resident member of a family within a dwelling unit.

DEMOLITION DISPOSAL SITE. A demolition landfill, limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, or other solid wastes meeting the standards of the state, such materials coming either from the same site or from a separate parcel.

DOUBLE FRONTAGE LOT. A lot, other than a corner lot, having frontage on more than one street.

DRIVE-IN SERVICE WINDOW. A customer service facility designed for the convenience of the motoring public as an accessory part of an office or retail establishment which is intended to enable the customer to transact business with a salesperson located within the principal structure without exiting the motor vehicle. It is presumed that the motor vehicle exits the premises immediately upon the transaction of business.

DWELLING, ONE-FAMILY. A building designed, constructed, and used for one dwelling unit.

(1) **ATTACHED.** A one-family dwelling connected on at least one side by means of a common dividing structural or load-bearing wall of at least ten linear feet to one or more other one-family dwellings, or the end dwelling of a series of such dwellings, each dwelling unit on its own individual lot.

(2) **DETACHED.** A one-family dwelling completely surrounded by permanent open spaces.

(3) **DWELLING GROUP, ONE-FAMILY ATTACHED.** A line of one-family attached dwellings, joined at the sides by means of common structural or load-bearing walls, comprising an architectural whole.

(4) **SEMI-DETACHED.** A one-family dwelling connected on one side by means of a common dividing structural or load-bearing wall of at least ten linear feet to another one-family dwelling, each dwelling on its own individual lot.

DWELLING, MULTI-FAMILY. A building designed, constructed, or reconstructed and used for more than two dwelling units, with each dwelling unit having a common structural or load-bearing wall of at least ten linear feet with any other dwelling unit on the same floor or building level.

DWELLING, TWO-FAMILY. A building designed, constructed, or reconstructed and used for two dwelling units that are either side by side and connected by a common structural or load-bearing wall of at least ten linear feet (a duplex) or placed one on top of another sharing common floors and ceilings.

DWELLING UNIT. An enclosure of one or more rooms and separate bathroom and kitchen facilities designed and constructed as a unit for permanent residential occupancy by one family.

DWELLING, ZERO-LOT LINE. A one-family dwelling that has one wall located directly on a side lot line that is not a street side on a corner lot. A zero-lot line dwelling may or may not be attached on one side to one other one-family dwelling. Where the zero-lot line wall is not adjacent to any other structure, that wall shall be solid to a minimum height of 8 feet and without any windows. A zero-lot line dwelling shall be provided with a 5 foot maintenance

agreement from the adjacent property.

(Ord. 947, passed 12-8-97)

FAMILY. An individual, or two or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or a group of not more than six persons, who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit.

FAMILY CARE HOME. A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities, not including mentally ill persons who are dangerous to others as defined in GS 122C-3(11)b.

(Ord. No. 1532, passed 1-8-07)

FARM, BONA FIDE. Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock, or poultry, and which may include facilities for the sale of those products from the premises where produced; nevertheless, the definition of **FARM** and **BONA FIDE FARM** shall not include commercial poultry and swine production, cattle feeder lots and fur-bearing animal farms, commercial plant nurseries, commercial greenhouses, commercial hatcheries, or dairy facilities when used solely for the processing of dairy products.

FARM TYPE ENTERPRISE. A tract of land at least three acres, when not part of a bona fide farm, which is used for: dairy facilities, when used solely for the processing of dairy products; commercial plant nurseries and greenhouses; the sale of fruit, vegetables and similar farm products not produced on the property; poultry and swine production; cattle feeder lots; commercial hatcheries; tobacco storage; and similar uses.

FISHING RANCH. A pond, lake, or series thereof, used for the extraction of fish for recreational purposes and opened to the general public on a commercial basis, not to include hatchery facilities or operations.

FLOOR AREA, GROSS. The total floor area enclosed within a building, including interior balconies and mezzanines, exclusive of stairways and elevator shafts. For multi-family units, the total floor area contained within the individual unit as measured from the inside of the exterior walls of the unit exclusive of stairways.

FREEWAY or EXPRESSWAY. A multi-lane, grade separated, limited access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate larger traffic volumes at high speeds and such a facility may be part of the interstate, federal or state primary highway system.

GROUP HOME. An establishment qualified for a

license by the state which provides resident services for 2 - 9 persons of whom one or more are unrelated. The individuals are handicapped, aged, or disabled, but are not mentally ill persons who are dangerous to others as defined in GS 122C-3(11)b, are undergoing rehabilitation or extended care, and are provided services to meet their needs. (Ord. No. 1532, passed 1-8-07)

KENNEL, COMMERCIAL. Any persons, or groups of persons or corporations engaged in the commercial business of breeding, buying, selling or boarding five or more dogs, or any person who owns five or more "show dogs," each of whom is shown at an official dog show at least once each year.

LIVE/WORK UNIT. A live/work unit is a building which incorporates a one-family dwelling and an enclosed space for employment. The principal use of the building is the building is the residential use. At least one member of the resident household will also be employed in the business use, although up to two nonresident employees may also work there. The business use element is limited to those types of uses which would allow nonresident clients to come to the business for personal services, but which would not create an intense vehicle or pedestrian traffic flow to the unit. (Ord. No. 1237, passed 1-14-02)

LOT. A parcel of land or any combination of several lots, occupied or intended to be occupied by a principal building or a building group as permitted herein, together with their accessory buildings or uses, and the access, yards, and other open spaces required under this chapter.

LOT, CORNER. A lot which occupies the interior angle at the intersection of two street lines which make an angle of less than 135 degrees with each other.

LOT OF RECORD. A lot, described by plat or metes and bounds, which has been recorded in the office of the County Register of Deeds, prior to November 20, 1967.

LOT, REVERSE FRONTAGE. A through lot or double frontage lot which has frontage on more than one public or private street, but vehicular access to one street, generally a major or minor thoroughfare, federal or state highway, or commercial arterial, is restricted or prohibited. Reverse frontage does not relate to any particular orientation of the structure to the street. (Ord. No. 1524, passed 12-11-06)

LOT, THROUGH OR DOUBLE FRONTAGE. A lot having a pair of opposite lot lines along two or more approximately parallel public streets and which is not a corner lot. (Ord. No. 1524, passed 12-11-06)

LOT WIDTH. The distance between the side lot lines, measured along the setback line as established by this chapter, or the distance between the side lot lines measured along a setback line shown on a duly recorded plat when that

line is greater than the setback established by this chapter along the turn around portion of a cul-de-sac street so long as that setback line imposed at the time of recordation is not more than 20 feet further from the street right-of-way than the minimum setback as stated for the appropriate district in this chapter; or if no setback line is established, the distance between the lot lines measured along the street line.

MANUFACTURED HOME. A dwelling unit that:

(1) Is not constructed in accordance with the standards set forth in the North Carolina Building Code; and

(2) Is composed of one or more components, each of which was substantially assembled in a manufacturing plant, designed to be transported to the home site on its own chassis; and

(3) Exceeds 40 feet in length and eight feet in width.

MANUFACTURED HOME PARK. A parcel of land under single ownership which has been planned and improved for the placement of manufactured homes for dwelling purposes.

MINOR RESIDENTIAL ACCESS STREET. A street used predominantly to provide access to abutting residential properties.

MIXED USE DEVELOPMENT. A mixed-use development which includes at least two of the following uses: office, institutional, civic, residential, and/or retail/service uses in one or more buildings or a combination of single and mixed-use buildings in a pedestrian-oriented environment.

(Ord. No. 1652-A, passed 1-10-08)

MOBILE HOME STAND. That part of an individual mobile home space which has been reserved for the placement of the mobile home and additions or attachments thereto.

MODULAR HOME. A dwelling unit which is constructed in compliance with the North Carolina Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

MULTI-USE DEVELOPMENT. Any horizontally integrated development which includes at least two of the following uses: office, institutional, civic, residential, and/or retail/service uses in separate but abutting buildings, and located on one tract of land, or on multiple adjacent sites. Multi-use developments are pedestrian oriented, compact, and architecturally integrated.

(Ord. No. 1652-A, passed 11-10-08)

NET RESIDENTIAL AREA. That portion of a project site designated for residential lots and common open space areas.

NIGHTCLUB. A commercial establishment that may dispense alcoholic beverages for consumption on the premises and in which dancing and musical entertainment is permitted. A minimum of 30% of the revenue must be generated by food purchases. This definition includes, but is not limited to, establishments that serve beverages to persons age 21 and older, dance halls, teen clubs and similar establishments. Excluded from this definition are restaurants that meet both the requirements established by definition in this ordinance and in NCGS-18B-1000(6), retail stores, convenience stores, clubs and lodges used by nonprofit organizations, theaters and health athletic facilities.

NONRESIDENTIAL PARK. A commercial, office, or industrial complex of three or more buildings, or three or more tracts of land.

NURSING HOME, REST HOME, AND HOME FOR THE AGED. A home for three or more chronic or convalescent patients, who, on admission, are not as a rule, acutely ill, and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments for which nursing care is indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing

medical supervision.

(Ord. No. 1532, passed 1-8-07)

ON-SITE DEMOLITION DISPOSAL SITE. A small demolition disposal site or stumphole on property being cleared, graded, or otherwise worked, which shall be used for no longer than 24 months and shall only contain approved materials taken from the same site. Any on-site demolition disposal site shall be the only allowed use on or above that portion of the development site, except outdoor accessory uses not associated with structures or paving may be placed over such on-site disposal locations.

OUTDOOR SALES. The retail sale of any article, substance, or commodity such as landscape materials and motor vehicles, located outside a permanent retail establishment, where such goods are available for immediate purchase. Outdoor display and sales are operated and maintained under the same ownership and on the same parcel of land as the principal use.

(Ord. No. 1524, passed 12-11-06)

OUTDOOR STORAGE. The keeping of goods, materials, or merchandise in an unroofed area, in the same location for a period of 48 hours or more, but excluding temporary construction-related materials for an ongoing on-site improvement, or inventory storage of motor vehicles intended for sale or lease. (Ord. No. 1524, passed 12-11-06)

PLANNED UNIT DEVELOPMENT. A tract of land at least 36 acres in area, under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved outline development plan and a preliminary site plan.

PRINCIPAL BUILDING OR STRUCTURE. A building or structure containing principal use of the lot.

PRINCIPAL USE. The primary purpose or function that a lot serves or is intended to serve.

PRIVATE STABLE. An accessory building or parcel of land where horses are kept for private use and not for remuneration, hire, or sale.

RESIDENTIAL AREA. That portion of a project site designated for residential uses, and more specifically, the following: residential lots, streets directly serving residential lots, and common open space areas.

RESTAURANT. An establishment designed, in whole or in part, to cater to or accommodate the consumption of food and/or beverage.

RESTAURANT, WITH DRIVE-IN SERVICE. An establishment designed, in whole or in part, to cater to or accommodate the consumption of food and/or beverage in automobiles on the premises of that establishment.

RURAL HOME OCCUPATION. An occupation, service, profession, or enterprise carried on by a resident family and not more than three outside persons on a lot in the Rural District.

SEATING CAPACITY. The measurement of maximum occupancy within an assembly room or area. **SEATING CAPACITY** may be determined by:

(1) The number of fixed seats in the largest assembly room or area;

(2) By allowing ten square feet of floor area per person available for the accommodation of movable seats only in that portion of the structure that could be reasonably assumed to be part of the largest assembly room or area; or

(3) By allowing 50 square feet of gross floor area per person of the structure as a whole.

SETBACK, ESTABLISHED. The distance between a street line and the front building line of a principal building or structure, as constructed, projected to the side lines on the lot.

SETBACK, REQUIRED. The minimum distance required between a street line and the front building line of a principal building or structure, projected to the side lines of the lot.

SHELTERED HOUSEHOLD. A sheltered household is a group of individuals of any age who do not need to be related by blood, marriage, adoption, living together in a single housekeeping unit in a structure with up to six bedrooms, for the purpose of receiving/giving some specialized care, training, or support for their physical, emotional, or social health. A resident attendant individual or couple (2 people maximum) to provide on-site care or training, such as a nurse or house parent, may occupy one of the allowed bedrooms in the dwelling, while the remaining bedrooms must be occupied by individuals receiving such care or training. A sheltered household does not include household settings that would meet the definition of group home without regard to the number of permitted residents. (Ord. No. 1126; passed 6-12-00)

SIGHT TRIANGLE. The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines, or a right-of-way line and the curb or edge of pavement of a private street or driveway, each point being

35 feet from the intersection, and the two intersecting right-of-way lines (or right-of-way line and curb cut). A sight triangle may also be created with dimensions as determined by the State Department of Transportation. (Ord. No. 1532; passed 1-8-07)

STEALTH OR CONCEALED STRUCTURE. The support structure for a communications antenna which is primarily for another principal use or accessory to the principal use on the lot where it is located, and partially or wholly conceals the antenna or minimizes its appearance in relation to the principal use of the stealth structure. All appurtenances to the antenna are wholly concealed by the same structure or other structure in the immediate vicinity, except where a stealth application is not part of a building, then the equipment and wiring shall not be required to be wholly concealed.

STEALTH STRUCTURE, EXISTING. A stealth structure in place as of January 27, 1997, the date of adoption of regulations concerning communications towers and antennas, is considered existing. (See list of electric transmission towers in Appendix for partial listing of existing structures and their heights.) Essentially equivalent replacement of such a structure in which its height does not increase more than 20 feet, and compliance to this height limit can be verified, may also be deemed to be existing.

STORY. That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds 1/3 of the area of the roof.

STREET, PRIVATE. Where allowed, an interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to private residences or to parking and service areas and which is not maintained by the public.

STREET, PUBLIC. A public right-of-way not less than 30 feet in width set aside for public travel and either which has been accepted for maintenance by the State of North Carolina or by the Town of Matthews, has been established as a public street prior to the adoption date of this section, or which has been dedicated for public travel by the recording of a plat of subdivision which has been approved by the Board of Commissioners.

STREET LINE. A dividing line between a lot and a street right-of-way.

STRUCTURE. Anything constructed or erected, the use of which requires location on the land or attachment to something having a permanent location on the land.

THOROUGHFARE. An arterial street designated on

the adopted Thoroughfare Plan or any street which is an extension of any street on the Thoroughfare Plan and which extends into an area not covered by the Thoroughfare Plan.

THOROUGHFARE PLAN. The map and attendant documents approved by the Mecklenburg County Board of Commissioners which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation.

TRAILER, HAULING, OR UTILITY. A vehicle or structure designed to be transported and intended for carrying animals or goods.

TRAILER, OVERNIGHT CAMPING. For purposes of this chapter the following shall be considered an overnight camping trailer:

(1) **CAMPING TRAILER.** A canvas, temporary, folding structure mounted on wheels and designed for travel, recreation, and vacation use.

(2) **MOTOR HOME.** A portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.

(3) **PICK-UP COACH.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

(4) **TRAVEL TRAILER.** A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation, and vacation, having its body width not to exceed eight feet and its body length not to exceed 32 feet.

TRAILER PARK, OVERNIGHT CAMPING. A site, tract of land, or lot upon which not less than two overnight camp sites and/or overnight trailers occupied for temporary shelter, dwelling, recreational, or vacation uses may be located, regardless of whether or not a charge is made for that service.

TRANSIT STOP SHELTER. A free standing structure, of less than 100 square feet, located on any type of mass transit route which is designed to accommodate embarking and disembarking transit passengers. Mass transit routes include, but are not limited to, public bus, trolley, rail and light rail transportation systems.

TRUCK TERMINAL. A facility used for the receipt, transfer, short-term storage, and dispatching of goods transported by truck. Included in this use type would be express and other mail and package distribution facilities. A truck terminal facility does not include permanent or long-term accessory storage for principal land uses at other locations. (Ord. No. 1524, passed 12-11-06)

UNOBSTRUCTED OPEN SPACE. Land not covered by buildings or structures.

USABLE OPEN SPACE. That required portion of a lot at ground level, unoccupied by principal or accessory buildings and available for all occupants of the building. This space of minimum prescribed dimensions shall not be devoted to service driveways, off-street parking, or loading berths but shall be usable for greenery, drying yards, recreation space, and other leisure activities normally carried on outdoors.

VETERINARY CLINICS. A veterinary clinic is a facility where small animals or pets are given medical or surgical treatment and are cared for only while they are there for the treatment.

YARD, FRONT, ESTABLISHED. An open, unoccupied space between a street line and the front of a building or structure, as constructed, projected to the side lines of the lot.

YARD, FRONT, REQUIRED. The minimum open, unoccupied space required between a street line and the front building line of a principal building or structure, projected to the side lot lines of the lot.

YARD, REAR, REQUIRED. The minimum open space required between the rear lot line and the rear building line of a principal building or structure, projected to the side lot lines of the lot, and containing permitted accessory buildings, structures, or uses.

YARD, SIDE, REQUIRED. The minimum open, unoccupied space including driveways and parking areas required between the side line and the side building line, extending from the required setback to the required rear yard. If no setback is required, the side yard shall be defined as extending from the street line to the required rear yard. ('72 Code, § 24-1100) (Ord. 477, passed 2-8-88; Am. Ord. 716, passed 2-3-92; Am. Ord. 731, passed 5-4-92; Am. Ord. 752, passed 8-3-92; Am. Ord. 869, passed 7-14-95; Am. Ord. 871, passed 9-12-94; Am. Ord. 872, passed 8-8-94; Am. Ord. 875, passed 5-9-94; Am. Ord. 885, passed 3-18-96)

§ 153.008 ADOPTION OF ZONING CODE.

Chapter 153 entitled "Zoning Code" and its sections (153.001 through 153.999) are hereby adopted and the same

shall hereafter be known as the Zoning Code of the Town of Matthews, North Carolina.
(Ord. 884, passed 3-18-96)